

REMARKS

The Office Action has rejected claims 2 and 4 under 35 USC 112 for insufficient antecedent basis in the claim limitation. Claims 2 and 4 have been amended to recite “wherein said means is a novel program for transmitting new home information between a new home builder and real estate professionals over the Internet.” Applicant respectfully submits that this claim has sufficient definiteness to overcome the objection under 35 USC 112. Applicant respectfully requests reconsideration, and withdrawal of this objection.

The instant Office Action has rejected claims 1-4 under 35 USC 102(e) as being anticipated by Bezos et al. (US Pat. No. 6,029,141, hereinafter, the ‘141 patent). In order for a reference to properly anticipate under 35 USC 102(e) the reference must teach each and every element of the claimed invention. The subject application, as now claimed, recites in claim 1: A system for electronic interaction between **new home builders and real estate professionals** (emphasis added) for facilitating an exchange of selected information relating to new home sales, said system comprising: means for transmitting and receiving selected information between said new home builders and real estate professionals over the internet; and a device onto which said means is installed.” Claim 3 also sets for the same limitations as claim 1 relating to the “electronic interaction between new home builders and real estate professionals for facilitating an exchange of selected information relating to new home sales...” The ‘141 reference is deficient in that it does not teach the system or method of the invention as now claimed. The Office Action refers to the ABSTRACT of the ‘141 patent and concludes the system and method

of the present invention is anticipated by '141. However, this characterization is not correct. In reading the entire disclosure of the '141 patent, one can see it is directed towards direct sales from a web site and the payment of a commission. This is in contradistinction to the present invention. The present invention as now claimed refers to exchange of **information** between new homebuilders and real estate professionals.

While the information may eventually lead to the sale of homes and subsequent exchange of a commission, that is not the impetus of the present invention as now claimed. The impetus of the present invention is to allow real estate professionals to use and acquire information for the purposes of research of new homes and new home communities in order to present options to a new home consumer. The '141 patent is deficient because, it is related to direct and immediate internet sales, and does not have any reference to providing information for new homebuilders and real estate professionals.

The '141 patent would also fail as reference to show obviousness. There is no teaching or suggestion in the '141 for exchange of information between new homebuilders and real estate professionals as now claimed in the subject application.

Because the '141 patent is deficient in that it does not recite each and every element of the claimed invention, a rejection under 35 USC 102(e) cannot be properly applied. Applicant respectfully requests reconsideration and withdrawal of the rejection.

Accordingly, applicant believes the response has addressed each of the issues raised in the current Office Action and the subject application, as now claimed, is in condition for allowance. If the Examiner believes a telephonic communication would expedite prosecution of this application, invitation is extended to contact the undersigned representative who is agent of record in this case. Favorable reply is earnestly solicited.

Respectfully submitted,

 06/24/2004

David W. Barman
Reg. No. 47,225
Agent for applicant

David W. Barman
1101 NE 176 Terrace
North Miami Beach FL 33162
305-332-4089